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Attorneys for Defendants AT&T WIRELESS
SERVICES, INC.; AT&T; DIANA WONG;
RICK MASON and CATH WASHBURN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONNA BAILEY,)	Case No. 2:99-cv-2522- MCE-PAN
)	
Plaintiff,)	STIPULATION AND ORDER TO
)	HEAR MOTION TO CONTINUE
v.)	TRIAL ON SHORTENED TIME
)	
AT&T WIRELESS SERVICES)	[Local Rule 6-1449(e)]
DIVISION; AT&T; DIANA WONG;)	
RICK MASON; CATH WASHBURN)	
and DOES 1 through 50, inclusive,)	Trial Date: February 14, 2007
)	
Defendants.)	

IT IS HEREBY STIPULATED by and between the parties through their respective counsel that Defendants' Motion to Continue Trial should be heard on shortened notice so that the matter of continuance can be determined before the February 14, 2007 trial date.

Counsel for Defendants, Mr. David L. Perrault, will be unavailable on the date set for trial due to conflicts with another matter in which Mr. Perrault is trial counsel. Mr. Perrault has begun a Sutter County Superior Court civil trial, *Home Living Skills, et al., v. Pride Industries, et al.*, Case No. CV CS 02-0478, before Judge H. Ted Hansen on January 9, 2006 with pretrial matters and the commencement of jury selection.

At the January 4, 2007 pre-trial conference in *Home Living Skills*, Judge Hansen projected the trial would last into the second week of March as Plaintiffs' counsel alone has named over 105 witnesses and over 1300 trial exhibits.

1 Therefore, the length of this trial was extended from three weeks to completing on or about
2 March 8, 2007.

3 The *Home Living Skills* case was continued from a July 11, 2006 trial date in June of
4 2006 to accommodate a serious medical condition of one of the trial counsel. Moreover, said
5 matter is approaching the five-year limit in which to try the case since the complaint was
6 filed on March 19, 2002.

7 Counsel for Plaintiff and counsel for Defendants have met and conferred on this
8 issue. Plaintiff's counsel will not stipulate to the continuance but has agreed that the Motion
9 for Continuance should be heard on shortened notice.

10 The parties propose that the Motion for Continuance be heard on January 22, 2007 at
11 09:00 a.m.; opposition, if any, to the Motion be filed no later than January 16, 2007; any reply
12 to be filed no later than January 19, 2007.

13 Dated: January 8, 2007

LAW OFFICES OF ANTHONY J. POIDMORE

14
15 By /s/ Anthony J. Poidmore

16 Anthony J. Poidmore
17 Attorneys for Plaintiff

18 Dated: January 8, 2007

19 **HARDY ERICH BROWN & WILSON**
20 A Professional Law Corporation

21 By /s/ David L. Perrault

22 David L. Perrault
23 Attorneys for Defendant

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ORDER

Based upon the stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED:.

The time and date of the hearing on Defendants' Motion for Continuance is as follows: The Motion for Continuance will be heard on January 22, 2007 at 09:00 a.m.; opposition, if any, to the Motion be filed no later than January 16, 2007; any reply to be filed no later than January 19, 2007.

Dated: January 11, 2007

A handwritten signature in blue ink, appearing to read "Morrison C. England, Jr.", is written over a horizontal line.

MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE